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Commonwealth of Virginia

PRIVATE SECURITY SERVICES ADVISORY BOARD

August 3, 2010

Quarterly Meeting Minutes

**Tuckahoe Public Library
1901 Starling Drive
Richmond, Virginia 23229**

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Call to Order

Chairman Chris DiMartino called the meeting to order and welcomed everyone to the meeting. Chairman DiMartino asked Secretary Cicotti to take the roll. Secretary Cicotti proceeded with roll call and stated that there was a quorum with 7 members present.

Board Attendees

Chris DiMartino, Chairman; Charles Cicotti, Secretary; Carl Armstrong; Daniel Schmitt; Thomas H. Turner; Mary Kay Wakefield; James D. (Danny) Washington, Jr.

Absent

Paul Ellis; Steve Demma; Joseph Maslanka; Seth P. Oginz; Frank Phillips

All absent members submitted notification that they would not be in attendance prior to the meeting.

Appointment of Officers

Chairman DiMartino called for approval of the minutes and advised the members that an amendment was needed to include the appointment of officers for the upcoming year and requested a motion. Carl Armstrong made the motion to approve the minutes with the amendment and Thomas Turner seconded the motion and the motion carried.

Chairman DiMartino called for the nomination of officers.

Charles Cicotti nominated Christopher J. DiMartino as Chairman. Second by Danny Washburn and the motion carried.

Charles Cicotti nominated Paul Ellis as Vice Chairman. Second by Tom Turner and the motion carried.

Appointed Members to the Board

Chairman DiMartino congratulated the following board members on their appointments to the Private Security Services Advisory Board by the Criminal Justice Services Board on June 9, 2010.

- Mr. Thomas H. Turner – Special Conservator of the Peace representative
Reappointment: July 1, 2010 – June 30, 2014
- Mr. James “Danny” Washburn, Jr. – Locksmith representative
Reappointment: July 1, 2010 – June 30, 2012
- Mr. Joseph Maslanka – Private Security Business representative
Reappointment: July 1, 2010 – June 30, 2014
- Ms. Mary Kay Wakefield – Private Security Services Business representative
New appointment: July 1, 2010 – June 30, 2014

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Chairman DiMartino welcomed all 4 members back to the Board and mentioned that Mary Kay Wakefield had previously completed an 8-year term on the Board.

Approval of Minutes

Chairman DiMartino called for a motion to approve the minutes from the March 30, 2010 Board meeting. A motion to approve the minutes was made by Thomas Turner. Daniel Schmitt second and the motion carried.

Committee Reports

Training Committee: No report given.

DCJS Report: Chairman DiMartino called upon Lisa McGee, Regulatory Manager to give the Department's report.

Ms. McGee congratulated Tom Turner, Danny Washburn, and Joe Maslanka on their reappointment to the Board, and welcomed Mary Kay Wakefield back to the Board on behalf of the Department of Criminal Justice Services. She thanked them for their continued public service to the industries they represent.

Ms. McGee reported that there are still three vacancies left on the board (Locksmith Business Representative, Armored Car Representative and Law Enforcement Representative). A notice was issued to the industry and the application has been posted to the website. Any applications received would be forwarded to the Criminal Justice Services Board Nominations and Appointments Subcommittee for evaluation. The Subcommittee will make a recommendation to the full board at the September 16, 2010 Criminal Justice Services Board Meeting.

New Legislation – Effective July 1, 2010

Ms. McGee presented information on legislative changes that went into effect July 1, 2010.

HB1159 – (§46.2-921.1) Otherwise known as the “move over” law, requires drivers to move over when approaching vehicles with certain warning lights. The law references Code the flashing red or red and white warning lights used by special conservators of the peace.

HB1204 – (§19.2-13) This legislative change allows special conservators of the peace to utilize the seal of the Commonwealth if authorized in their appointment orders by a circuit court judge.

Training School Administrative Requirements:

Ms. McGee reported that some schools are not submitting their training sessions in accordance with the required seven calendar days. Section 6 VAC 20-171.300 of the regulations states, a school must submit their session no less than seven calendar days

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prior to the beginning of each training session to include the date, time, instructor and location of the training session.

As a result, changes have been implemented to Osprey to not allow schools to electronically submit within that seven-day period. Schools that attempt to submit within the seven-day period will have to contact the Department directly and continued non-compliance will be forwarded to enforcement for review.

A few other issues include rosters not being submitted in a timely manner and entering incorrect social security numbers or DCJS ID numbers into Osprey. The Department is requesting that the schools please verify this information before submittal. Inaccurate information causes a delay in individuals receiving their proper credentials.

Ms. McGee advised the Board that the Department recommends that schools utilize a session inspection form available for download on the Department website that will assist training schools in maintaining compliance.

DCJS Training

Ms. McGee reported that the training schedule has been posted for instructor and compliance agent training sessions available through December 2010.

Another issue the Department is addressing is the limited availability of locksmith training and how it is affecting locksmiths coming up for their first renewal. The Department is temporarily offering locksmith in-service training to ensure that locksmiths can meet the training requirements in a timely manner. The first session was held in July and two additional sessions are currently scheduled in the Richmond area. The Department will add sessions to other areas of the Commonwealth if needed. Ms. McGee advised the Board that the Department is providing this training as a temporary measure until adequate training is available through certified training schools. The Department is working with the Association of Locksmiths of America. They have shown an interest in obtaining certification in Virginia to provide the mandated training.

Regulations Relating to Private Security Services:

The Department completed the amendments to the final draft of the Private Security Services Regulations. During the proposed action, the Department received comments and input throughout the industry that resulted in numerous amendments to the document. Based on the various amendments, the Department is going to provide another opportunity for the industry to review the re-proposed regulations and allow for an additional 30-day public comment period. This action will ensure that the industry has full disclosure and additional participation prior to submission of the final document for adoption.

The re-proposed regulations are currently under executive review and once approved will be posted to the Virginia Townhall, the Department website and notification will be sent to the industry of the 30 day comment period. The Department would like to present the final document to the Criminal Justice Services Board at its December meeting should all

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executive review and public comment be complete. Ms. McGee asked that interested parties continue to monitor the Department website for further updates.

Ms. McGee reported some of the major amendments in the re-proposed regulatory document. The amendments included:

- Deletion of the recommended private security services orientation course (10E) – the orientation has been reinserted into individual training courses;
- Deletion of the recommendation that regulated individuals report arrests;
- Deletion of the recommendation under standards of conduct regarding individuals who fail to cooperate with an investigation;
- Reduction of the recommended manual processing fee as well as the firearm endorsement fee;
- Reinsertion of reporting requirements for training sessions;
- Amendments to the firearm range qualification, to include returning to the original firearms handgun qualification course. The armed security officer firearms training session has not been removed and there were amendments made to the shotgun training to eliminate errors and reduce the recommend hours from 4 hours to 3 hours; and,
- Other amendments to include changes to language to ensure clear and concise regulations.

Discussion from the Board:

PSSAB Vacancies: Ms. McGee was asked if there were any additional applications for the current vacancies, Ms. McGee reported that there were not any applications submitted at this time. However, there had been some interest from individuals representing law enforcement and the armored car industry but no actual applications had been submitted. The Board discussed ways to ensure that law enforcement receives information about the vacancy. The Board recommended that industry members mention the vacancy to their colleagues and that DCJS send a notice out to the Virginia Chief's Association and other law enforcement agencies. The Department will follow up to ensure that law enforcement is properly notified.

Access to Records: The Board brought forward a concern that information maintained by the Department was accessible upon request. Specifically, discussion centered on a company whose 1,000+ registered employees received an email solicitation about training requirements. Ms. McGee advised that the Department is required to release information according to the Freedom of Information Act upon request. This information would include an individual's mailing address, email address, DCJS ID number and

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credentials. Information that is protected included birthdates and social security numbers. Once the Department receives a request for information it is required to comply with the requirements of the Freedom of Information Act and respond to the request within 5 days. The Department is authorized to charge a fee for services when providing the information requested. The Department provides information directly from the database in either an electronic or hardcopy format. Most requests come from associations seeking to increase memberships or training schools to advertise training.

Ms. McGee reported that the Department has proposed the removal of the requirement to file a physical address for registrants in the Regulations Relating to Private Security Services. The Board recommended that the Department consider amending the applications to advise the applicant that if they wish to be contacted electronically they are also aware that their email address is considered public information and is accessible through the Freedom of Information Act.

This concluded the DCJS report.

Unfinished/New Business

Association News:

The Virginia Electronic Security Association will have their annual meeting at the Holiday Inn Crossroads in Richmond, Virginia on October 5, 2010. The Department will provide compliance agent in-service training and the Board will hold their next quarterly board meeting in conjunction with the Association's annual meeting.

Private Security Services Conference

Mr. Baker, the Division Director for the Office of Regulatory Affairs advised the Board that there is still interest in bringing back the PSS Conference, he reported that the DCJS Director, Garth Wheeler had also been approached at a recent campus security training session to consider an annual conference.

The history of the PSS conference, the number of people attending and the amount effort required to coordinate the conference was discussed. The cost effectiveness of providing the conference given past attendance was also discussed. Mr. Baker also provided commentary from prior conference participants and sponsors, the economy and concerns about how the conference would be funded. Concerns about collecting or requesting sponsorship funding by a regulatory agency were also discussed.

Further discussion of the topic was tabled to allow the Board's Conference Committee time to discuss ideas and present their recommendations to the Board. The conference chair, Joseph Maslanka, was not present at the meeting. Some ideas that the Conference Committee were considering are partnering with other associations in the industry to provide the training opportunities and having other organizations assist with some of the planning, staffing, etc. to limit the Department's involvement. The Department would be

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available to assist if the conference committee recommends and the industry desires to move forward with conference preparations.

Special Conservator of the Peace Regulations: Ms. McGee reported that the Governor's Executive Directive requires that regulations be reviewed periodically. The Department will open the Special Conservator of the Peace (SCOP) Regulations for regulatory review by the end of the calendar year. To ensure full public participation and transparency, the Board's Regulatory Committee was requested to hold a special committee meeting to address the SCOP regulations. The Department will notify the industry of the start date of the regulatory review process.

The Department recommended that the Board consider meeting with members of law enforcement and the circuit courts to discuss the issues and concerns they have regarding SCOP after the initial regulatory committee meeting. This will enable the Department and the Board to be aware of the issues, identify areas requiring review and develop new amendments for proposal. This would also enable the group to identify and discuss legislative concerns that need to be addressed.

Mr. Turner reported that there seem to be more problems with the Code than with the regulations. He identified the legislative requirement to renew the registration annually versus a two-year cycle as an example. He discussed local law enforcement agencies doing background checks on special conservators after they have completed DCJS processing. He stated that the code section that permits circuit court judges to order another background check by local law enforcement is a duplication and can make getting a full appointment a long process. This process can sometimes take up to four months and is somewhat cumbersome.

Mr. Baker stated that the Department has concerns about how the Code is being interpreted, especially the manner that appointments are being issued. He advised the Board that the Department is consulting with the Office of the Attorney General to develop a template for appointments to ensure uniformity in the application of §19.2-13. This template might include a checklist format. Further discussion included submission of petitions to the courts and the lack of uniformity in that process. The Department will include these petitions in its discussions with the Office of the Attorney General.

Campus Security Officer Program

Mr. Turner provided an update on the Campus Security Officer training. Mr. Turner reported that Steve Clark and Donna Michaelis of the Department's Center for School Safety have been working with campus security professionals to develop the Campus Security Officer Certification Program. They have offered live training of the required 16-hour course at various conferences. The last live training was held at the School Safety conference in Norfolk where about 35 people attended including some members of the private security industry.

He stated that the March minutes included a report that the Department has partnered with the Department of Human Resource Management to utilize the Commonwealth's

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Learning Management System to improve on-line training opportunities and is currently piloting an on-line training program for campus security officers. He stated that a Beta testing is underway that includes the participation of four private and four public colleges and universities. DCJS has a targeted date of July 30, 2010 to receive feedback. Thus far, the project is going well.

Board Comments

Electronic Security “Summer Sales”

Ms. Wakefield presented an update on electronic security. She reported that the industry is in the middle of what is referred to as the “summer sales.” There have been numerous reports of intimidating tactics being used by some of the companies. During this time, companies use college students and young adults for door-to-door sales. Some of the concerns that have been expressed by potential customers include coercion, targeting elderly and low-income customers, and making false statements that companies are going out of business. There have been concerns with same day system installations because it makes it difficult for customers to use the three-day right to rescind clause.

Ms. Wakefield reported that the Electronic Security Association is working on ways to address these issues. She reported that there is a need for electronic security industry and private companies to educate their customers and the public as much as possible. The Association is encouraging people to report these incidents to DCJS, but have not been very successful. The Association has discussed their concerns and willingness to work with DCJS to resolve some of the issues. The national association is exploring ways to address the concerns possibly by getting state regulators together or at the national leadership conference in January.

The Department recommended that this issue be addressed while the regulations are still open for amendment. Ms. McGee added that the Department has worked with the crime prevention community on the electronic security issue and a nationwide locksmith scamming issue. This interaction has enabled local law enforcement and crime prevention specialists to get notices out to the public. The Department has met with a licensed company that utilizes college students to make sure they knew what was required of them and how to maintain compliance. A complaint hot line has also been activated to encourage victims, especially the elderly, to report as an alternative to submitting a complaint on-line. This is a direct line and messages are checked every day.

The Department plans to address these issues through other means like a regulation that requires sales representatives present their registration card to law enforcement, a client or Department personnel. Two recommendations included in the re-proposed regulations include requiring individuals that provide private security services carry a photo identification card whether they are registered or not. If not registered, but working on the 90 – 120 day rule, they should have a photo identification card, and an administrative requirement that companies issue these individuals an authorization letter.

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Mr. Baker advised the Board that the International Association of Security and Investigative Regulators Annual Conference would be held November 3-5, 2010 in Wilmington, Delaware. He stated that staff are members of this organization and will most likely be attending this meeting.

Public Comments – None

Announcements: The next Board meeting will take place on October 5, 2010 at the Holiday Inn Crossroads. The December meeting will be held at the Tuckahoe Public Library on December 7, 2010 at 10:00 a.m. Meeting notices will be placed on the DCJS website and distributed via e-mail.

Chairman DiMartino announced his re-appointment of Charles Ciccotti to the position of Secretary of the Board and called upon the Board for a motion to adjourn. So motioned by Carl Armstrong. Seconded by Charles Ciccotti. The motion carried and the meeting was adjourned.